

Item 4a **12/00325/FUL**

Case Officer **Mrs Nicola Hopkins**

Ward **Chorley North East**

Proposal **Change of use of existing office accommodation (ground and first floor) to Chorley Academy free school (Use Class D1)**

Location **Inland Revenue Lingmell House Water Street Chorley Lancashire**

Applicant **Gill Academy Trust**

Consultation expiry: **4 May 2012**

Application expiry: **23 May 2012**

Proposal

1. The application relates to a temporary change of use of existing office accommodation (ground and first floor) formally occupied by the Inland Revenue to Chorley Academy free school (Use Class D1)
2. The proposals intend to establish a secondary school and sixth form school. It is proposed to utilise the application site for the first year of operation only (September 2012- September 2013) and intends to enrol 60 Year 7 students and 100 post 16 (of which 32 post-16 students would be based off site). After the first year the school is seeking to relocate to a permanent facility.
3. The existing building can accommodate the temporary school accommodation without any external development or demolition.
4. The proposals incorporate the change of use of the existing ground and first floor level (the second floor does not form part of this application).
5. Free Schools are state-funded schools the first of which were opened in September 2011 and enable independent groups to set up a school. On 10 October 2011, the Secretary of State announced the successful applications to open a mainstream Free School in 2012 and beyond that have been approved to pre-opening stage and this included Chorley Career and Sixth Form Academy. The vision of the Chorley Career and Sixth Form Academy will be to provide independent but state funded education to young people aged from 11-19.
6. On May 22 the Development Control Committee deferred this application to invite comments from LCC Education and further comments from LCC Highways.

Recommendation

7. It is recommended that this application is granted conditional planning approval

Main Issues

8. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Impact on the conservation area
 - Impact on the neighbours
 - Traffic and Transport
 - Noise

Consultations

9. **Chorley's Conservation Officer** has commented as the application site is within St

Laurence's Conservation Area

10. **Lancashire County Council (Highways)** has no highway objection to the development. Following the request by Members the Highway Engineer has provided further comments which are included within the Traffic and Transport section below.
11. **Director of People and Places** has no comments to make.
12. **Lancashire County Council (Education)** in response to the Committee's request for comments LCC have sent their response to the formal consultation on the free school, which are set out below in full:

"The local authority has two main concerns:

- The sustainability of secondary provision in Chorley and surrounding areas in the short to medium term and the impact of falling numbers on the educational offer to children and young people; and
- The post 16 offer which is unclear, does not appear to target NEETs and appears to duplicate existing local provision.

School Place Planning

The LA finds it difficult to make detailed comments on sustainability of secondary provision in the area because there is no detail, as yet, as to where the school will be permanently located:

A planning application has been submitted to Chorley Council's planning chiefs for change of use of Lingmell House in Water Street, Chorley, into a school. It is anticipated that this location is only for one year as a site in Chorley South East in a central location is being finalised for a modern new build. Details of the new state of the art building will be revealed shortly.

However, it is clear that, provided that the proposal is approved and the school is successful, it will result in additional surplus places and reduced pupil numbers within the existing secondary schools as a result of increased competition. Although population forecasts indicate that future years will require an increase in school places, this is not the case at the present time, with demand only increasing in primary schools. There are enough places within the current secondary provision in the next 5 years. In the longer term, rising primary numbers transferring into secondary together with significant levels of housing development which has not yet come forward mean that there may be a need for additional places although the timing is not yet established.

In terms of forecasting future pupil numbers for the area, the local authority will require firm projections from the new Academy on the expected number of pupils on roll and where they are expected to come from, in order to plan affectively across all secondary schools in Chorley.

There are a number of secondary schools within Chorley and the surrounding area with significant levels of surplus places that the LA is currently required to report on an annual basis to DfE. In addition, some schools have low pupil numbers and future educational and financial viability is a concern, particularly as pupil numbers are not predicted to increase in the near future.

The local authority anticipates difficulties in achieving sustainable secondary provision in the short and medium term in Chorley and surrounding areas if the proposal is approved. Schools will be competing for a decreasing number of young people and the costs to the young people and their lives is immense if a school fails through lack of numbers and/or is only able to offer a limited curriculum as it cannot afford to do anything else.

In Chorley there are already two Academies with a further two schools due to convert to Academy status in September 2012 leaving only two LA maintained schools. Therefore there is plenty of diversity already in Chorley without the addition of a further secondary school.

All the schools in the area perform above the floor target, some of them very significantly so.

All of the schools are rated good or outstanding by Ofsted.

Admissions

At secondary offer date on 1st March 2012, for September 2012 school intakes, the vast majority of applicants for Chorley secondary schools received an offer for their first preference school. This compared well to the Lancashire average as shown below

Area	1st Prefs	2nd Prefs	3rd Prefs	No Pref
Chorley	95%	4%	1%	nil
Lancashire	93%	5%	1%	1%

If the new provision opens in September 2012, the school will have no option other than to take pupils from schools that have already offered them a place. Whilst Academies are excepted from the first year of co-ordination such action would appear to be against the spirit of the Admissions Code and does not bode well for future relationships and collaboration between schools in the area.

Entry requirements into the Sixth Form of the Chorley Career and Sixth Form Academy for students following the academic route are a minimum of 5 A*-C grades at GCSE including English and Maths. Grade requirements for individual subjects in addition to the 5A*-C are no lower than B.

'If either internal or external applicants fail to meet the minimum course requirements, they may be given the option of pursuing any alternative courses for which they do meet the minimum academic requirements.'

The entry requirements are high and are at odds with the vision of the Chorley Career and Sixth Form Academy.

'A post-16 provision being made accessible locally will help young people in raising their aspirations. The Academy will be the hub of the community providing education opportunities for 11-19 year olds who would otherwise not continue education. The vision is to reduce the %NEET in Chorley significantly and increase the number of young people entering further and higher education.'

71% of young people aged 16-19 in Chorley who are NEET do not have the qualifications to meet the Chorley Career and Sixth Form Academy academic entry requirements.

Available NEET by Academic Level as at 31 January 2012	GCSE grades F/G or equiv.	GCSE grades D/E or NVQ 1 or equiv.	GCSE (at least 5 A-C), BTEC 1st Diploma or NVQ 2 or equiv.	A/AS Level or NVQ 3 or BTEC Nat Dip or equiv.	Pre-GCSE or no qualifications	
Chorley	11 (7%)	54 (34%)	46 (28%)	2 (1%)	46 (30%)	159

Apprenticeships

'The Academy will make available a number of apprenticeships through local and neighbouring businesses and employers. There may be different entry requirements depending on the Apprenticeship and the industry sector.'

'As an employee you will be in employment for most of your time as most training takes place on the job. The rest will take place at the Academy or a specialist training organisation which the Academy will organise. ICT, English, Maths, Business and Enterprise and any other suitable courses will be made available to you depending on your GCSE performance and the

career path you would like to follow. The amount of time you spend in the Academy will vary according to your Apprenticeship.'

It is not clear whether the Academy will deliver Apprenticeships and therefore have a Skills Funding Agency contract to receive funding to do so, or if the Academy is proposing that they will broker Apprenticeships for young people with organisations which deliver Apprenticeships.

In the former case can you confirm if the Academy will have a Skills Funding Agency contract?

In the latter case the Academy would not have that young person on their roll. The young person would be accessing an Apprenticeship through the training organisation.

'The Academy apprenticeship programme is only open to those Y11 students who have just left school in the year before.'

Again this does not support the Academy's vision of reducing NEET as 78% of Lancashire's NEET, like the majority of NEET across the country, are in Y13 and Y14.

Curriculum and Provision

The Academy have listed 23 'A' levels in - Annex B Proposed Admission Requirements to Community Sixth Form/Year 12 2012/2013.

19 of the 23 'A' levels are offered by Runshaw College, of the other four 'A' levels three of the subjects are offered in a Btec qualification and Classical Civilisation is not offered. Runshaw College is a Sixth Form College whose main campus is 4.6 miles from the address on the Chorley Career and Sixth Form Academy website. They also have a site on Market Street in Chorley town centre.

The following is taken from the Runshaw College website, *'The 2011 examination league tables published by the Department for Education in January 2012 show Runshaw to be the best performing college in the country.'*

There is no detail regarding the Apprenticeship frameworks that the Academy will offer. On the Chorley Career and Sixth Form Academy website the proposers' state: *'There is post-16 provision in Wigan, Bolton, Blackburn, Leyland and Preston but none in Chorley.'*

In addition to Runshaw College's Chorley town centre site, Rathbone are based on St Georges Street in Chorley town centre.

Rathbone deliver Foundation Learning for 16-18 year olds and Apprenticeships for 16-24 year olds. Rathbone currently offer Apprenticeship programmes in Chorley and the surrounding area in: Motor Vehicles, Retail, Childcare and Business Administration.

Runshaw also offer Apprenticeships and the following are available: Accounting, Beauty Therapy, Business Administration, Catering & Hospitality, Childcare, Customer Service, Engineering, Hairdressing, Health & Social Care, Housing, Information Technology, Management, Teaching Assistants and Team Leading.

Academy's Enterprise Centre

'One of the distinctive features of the Academy will be to produce students who have all the business and enterprise skills and business acumen necessary to be successful. The Academy will establish unique partnerships with local businesses and students will experience a wide range of work placements and apprenticeships. Students in the Academy will be able to set up their own viable enterprise and be able to develop this successfully by the aid of the Academy's Enterprise Centre and Chorley Strategic Partnership.'

There is no detail in regards to how the Academy will establish unique partnerships with local businesses and if any local businesses are involved or supportive of the Academy. Further dialogue is required to understand the differentiation to what is available in the area.

Response from schools in the area

Lancashire County Council has shared your letter dated 9th March 2012 with schools in Chorley. Those that wish to respond will do so directly."

13. **The Education Authorities building colleagues** have also added the following comments:
"From the limited information supplied it would be difficult to carry out any sort of meaningful analysis of the temporary building's suitability as a school. We would, therefore, expect the applicant to refer to the school premises regulations for information on their statutory obligations."

Neighbours

14. None received

Other Representations

15. **1 letter** of support has been received from Surrey

Policy Background

National Planning Policy:

16. The relevant national planning policy guidance/statements are as follows:

- **National Planning Policy Framework (NPPF)**

The NPPF states:

'Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. Planning policies and decisions must reflect and where appropriate promote relevant EU and statutory requirements.'

17. The NPPF confirms that for 12 months from the day of publication (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework.
18. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
19. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
20. At the heart of NPPF is the presumption in favour of sustainable development which is established as the 'golden thread' running through the plan and decision making processes. For decision making this means:
- Approving development proposals that accord with the development plan without delay; and
 - Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or

- Specific policies in the NPPF indicate development should be restricted.

21. Paragraph 72 of the NPPF states:

The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted.

• **Policy statement – planning for schools development (August 2011)**

This Policy document sets out the Government's vision for school development and confirms that the Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state-funded school sector to meet both demographic needs and the drive for increased choice and higher standards.

The Development Plan

22. The development plan comprises the saved policies of the Adopted Chorley Borough Local Plan Review 2003, the Sustainable Resources Development Plan Document 2008 and the North West of England Regional Spatial Strategy 2008 (RSS).

23. The starting point for assessment of the application is Section 38 of the Planning and Compulsory Purchase Act 2004 that states if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Regional Spatial Strategy (RSS)

24. At the current time the Regional Spatial Strategy (RSS) for the North West is still in force. The Secretary of State's intention to revoke RSS, and how that intention should be considered has been a matter for the courts, with the outcome that RSS remains part of the development plan, and that the intention to revoke can be regarded as a material consideration in the determination of planning applications.

25. Section 109 of the Localism Act has already come into force which gives the Secretary of State the power to revoke the whole or part of any Regional Spatial Strategy. Consultation on Strategic Environmental Assessment (SEA) which considers the environmental impacts of revocation expired on 20 January 2012. The Government indicated that it intended to revoke RSS by April 2012 however at the time of writing this report this had not happened.

26. The relevant policies of the RSS are as follows:

- DP1: Spatial Principles
- DP2: Promote Sustainable Communities
- DP4: Make the Best Use of Existing Resources and Infrastructure
- Policy DP5: Manage Travel Demand; Reduce the Need to Travel and Increase Accessibility
- L1: Health, Sport, Recreation, Cultural and Education Services Provision
- RT2: Managing Travel Demand
- RT9: Walking and Cycling

Adopted Chorley Borough Local Plan Review

27. The NPPF confirms that for 12 months from the day of publication of the NPPF (27 March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The Local Plan Policies were adopted in 2003 and saved by the Secretary of State in 2007 which was in accordance with the Planning and Compulsory Purchase Act 2004. The NPPF also confirms that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans. The emerging plan is addressed below.

28. The relevant policies of the Local Plan are as follows:
- GN1- Settlement Policy – Main Settlements
 - EM6- Financial And Professional Services
 - TR4- Highway Development Control Criteria
 - EM9- Redevelopment Of Existing Employment Sites For Non-Employment Uses
29. Supplementary Planning Guidance:
- Proof Of Marketing: Policy EM9 – Redevelopment Of Existing Employments Sites For Non- employment Uses

Chorley's Local Development Framework

- Policy SR1: Incorporating Sustainable Resources into New Development
- Sustainable Resources Development Plan Document
- Sustainable Resources Supplementary Planning Document

Emerging Policy Considerations

Central Lancashire Local Development Framework Joint Core Strategy

30. Central Lancashire Core Strategy – Publication Version December 2010: Chorley Council is preparing a Core Strategy jointly with Preston City and South Ribble Councils which was submitted for examination in March 2011 and an Examination in Public took place in June 2011. In July 2011, the examining Inspector expressed doubts whether the document in its December 2010 published form could be found sound in providing for sufficient new housing (Policy 4). The examination was suspended and in November 2011 the three Councils produced a Proposed Housing Related Changes document. This was subject to public consultation during November and December 2011. The consultation period ended on 13th December 2011. The examination re-opened and closed on 6th March 2012.
31. As a whole the Core Strategy as a document is at an advanced stage and can be afforded significant weight.
32. The following Core Strategy Policies are of relevance to this application:
- **Policy 10-** Employment Premises and Sites
- This Policy states:
- All existing employment premises and sites last used for employment will be protected for employment use. There will be a presumption that 'Best Urban' and 'Good Urban' sites will be retained for B use class employment use. Proposals on all employment sites/premises for re-use or redevelopment other than B use class employment uses will be assessed under the following criteria:
- (a) there would not be an unacceptable adverse impact on the type, quality and quantity of employment land supply;
 - (b) the provision and need for the proposed use;
 - (c) the relative suitability of the site for employment and for the alternative use;
 - (d) the location of the site and its relationship to other uses;
 - (e) whether the ability to accommodate smaller scale requirements would be compromised;
 - (f) there would be a net improvement in amenity.
- Any proposals for housing use on all employment sites/premises will need to accommodate criteria (a)-(f) above and also be subject to:
- (g) evidence of lack of demand through an active 12 month marketing period for employment re-use and employment redevelopment;
 - (h) an assessment of the viability of employment development
- **Policy 14-** Education
- The Policy states that the Council will provide for education requirements by:
- (a) Enabling new schools and other educational facilities to be built in locations where they are accessible by the communities they serve, using sustainable modes of transport.
 - (b) Asking developers to contribute towards the provision of school places where their

- development would result in or worsen a lack of capacity at existing schools.
- (c) Working in partnership with the education authority in any modernisation programme requiring school closure or new construction.
- (d) Supporting the growth and development of higher and further education, through close working with the relevant institutions.
- (e) Working in partnership with the education authority and other service providers to identify opportunities for the co-location of services

- **Policy 16- Heritage Assets**

This Policy seeks to protect and seek opportunities to enhance heritage assets.

Site Allocations & Development Management Policies DPD (Preferred Option Paper)

33. Local Development Framework: Site Allocations and Development Management Policies Development Plan Document. The Council has recently completed consultation on the Preferred Option Paper for the Chorley Site Allocations and Development Management Policies Development Plan Document (DPD). This document will accord with the broad content of the Central Lancashire Core Strategy but will provide more site-specific and policy details. The purpose of this document is to help deliver the aims of the Central Lancashire Core Strategy by setting out development management policies and allocating or protecting land for specific uses. This DPD is at a relatively early stage of preparation, and can be afforded limited weight.

Central Lancashire Controlling Re-Use of Employment Premises Supplementary Planning Document (Consultation Version: April 2012)

34. On 18th April the three District Authorities began consultation on the SPD. The purpose is to provide guidance on the interpretation and implementation of relevant planning policies, particularly those in the Central Lancashire Core Strategy. They will form part of the Local Development Framework for each Council. Consultation ran until 30th May.

Assessment

Principle of the development

35. In August 2011 the Secretary of State for Communities & Local Government and the Secretary of State for Education issued a new policy statement on planning for schools development. The policy statement is designed to facilitate the delivery and expansion of state-funded schools through the planning system in response to the Government's strong commitment to improving state education. It follows and strengthens the guidance on planning for schools development contained in the Written Ministerial Statement of July 2010.
36. The Statement confirms the Governments commitment to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards. State-funded schools include free schools. The NPPF reiterates this view and confirms that local planning authorities should take a proactive, positive and collaborative approach to development that will widen choice in education.
37. Policy L1 of the North West RSS requires plans and schemes to provide for the full spectrum of education provision and the views of the local community must be taken into account.
38. The application site is located within the settlement boundary of Chorley Town within St Laurence's Conservation Area and an area allocated for financial and professional service uses (Use Class A2) under Policy EM6.4 of the Local Plan. Additionally Policy EM9 of the Local Plan is applicable to the proposals as they relate to the redevelopment of existing employment sites for non-employment uses for Policy EM9 sites "employment use" is defined as Use Classes B1, B2, B8 and A2.
39. Policy EM6 states: The following area is reserved for changes of use, or the construction of new buildings for financial and professional services (Use Class A2) and other appropriate town centre non-retail uses:
- Water Street, Chorley Use class A2 zone

40. The use of the premises for school accommodation is contrary to the provisions of Policy EM6, as set out above, as this use falls within Use Class D1. It is noted that it is proposed to remove this allocation within the Site Allocations DPD. This document can only be afforded limited weight at this time due the stage it has reached and the local plan policy has greater weight however, potentially, this zone may be removed in the future.

41. Policy EM9 states:

Sites and premises currently in employment use (or that were last used for employment purposes) which become vacant or are proposed for new development, will be assessed to determine whether they are particularly suitable to be re-used for employment purposes. The factors to be taken into account in assessment will include:

- (a) the site's relationship to public transport;
- (b) the adequacy of the road access;
- (c) whether the site provides a locally important source of employment;
- (d) whether the site serves a particular sector of demand for employment land or premises;
- (e) whether there are adequate replacement or alternative sites in the vicinity;
- (f) whether the site's use for another purpose would prejudice the continued existence of another employer;
- (g) whether the site is suitable for mixed-use development.

Sites that are assessed to be particularly suitable to be re-used for employment purposes shall be reserved for such uses unless:

- i. there is no realistic prospect of an employment re-use of the land or premises, or;
- ii. redevelopment for an employment use would not be economically viable, or;
- iii. an employment re-use or redevelopment would no longer be appropriate for planning or environmental reasons.

Redevelopment and re-use proposals, for whatever purpose, are to comply with the other policies in this Plan

42. Policy EM9 is supported by an accompanying SPG which requires a Statement of the Efforts that have been made to market (Statement of Efforts and Proof of Marketing) for any premises or site currently or last used for employment development where an applicant proposes non-employment use. The Council currently requests a 12 month marketing period.

43. In accordance with Policy EM9 the site has been assessed to determine whether the site is particularly suitable to be re-used for employment purposes, as follows:

- (a) the site's relationship to public transport- the site is within a sustainable location close to Chorley Town Centre
- (b) the adequacy of the road access- road access is considered to be suitable as addressed below.
- (c) whether the site provides a locally important source of employment- the premises are currently empty and as such do not currently provide a source of employment.
- (d) whether the site serves a particular sector of demand for employment land or premises- the premises are currently empty and the proposed use is only temporary which with an appropriate condition will ensure that the premises will be returned to an employment use
- (e) whether there are adequate replacement or alternative sites in the vicinity- the premises are currently empty and the proposed use is only temporary which ensures that the premises will be returned to an employment use.
- (f) whether the site's use for another purpose would prejudice the continued existence of another employer- it is only intended for the school to occupy the ground and first floor of the building and as such the second floor is still available for office accommodation.
- (g) whether the site is suitable for mixed-use development- the school will only occupy the ground and first floor of the building and as such the second floor is still available for office accommodation.

44. It is considered that this site is suitable to be re-used for employment purposes and as such, in

accordance with the SPG which accompanies EM9, a Statement of the Efforts should have been submitted in support of this application. However it has been noted that the proposals are only for a temporary change of use whilst the school secures permanent accommodation.

45. The supporting information states that the premises will only be utilised for the first year of operation only (September 2012- September 2013). The agent for the application initially requested a period of accommodation until, at the latest, December 2014 however this position has subsequently changed, since the previous Development Control Committee, to December 2013. Additionally the landlord has also requested some assurance that the building will revert to office use following the school vacating the premises. This has been secured by condition and ensures that the use, after December 2013, will revert back to employment use after this time period Any continued use of the premises would therefore require a new planning application.
46. As the premises will be returned to office accommodation following the use by the school it is considered overly onerous, in this case, to require a full Statement of Efforts as the proposals will not result in the permanent loss of office accommodation.
47. It has also been noted that the premises are currently vacant and are being advertised on the Jones Lang LaSalle web-site as a commercial office building for let. As such in accordance with Policy EM9 the premises has been marketed for employment uses since November 2011 (approximately 7 months). It should also be noted that vacant possession of the premises was 30th April 2011 and the premises was only partially occupied for 3 months before that date. As such the property has been vacant for over 1 year.
48. As set out above the NPPF post dates both the Local Plan and the RSS and due weight, the degree of which to be determined by the decision maker, is given to relevant policies in existing plans according to their degree of consistency with the NPPF.
49. In terms of the NPPF, the development plan in relation to school policy maybe considered out of date, and in effect, significant weight must be afforded to both the NPPF and the Policy statement – planning for schools development (2011); however, plan policies in relation to the NPPF for the retention of employment sites are being carried forward into emerging planning policy, and as such are consistent with the NPPF. The emerging employment policy states that ‘Best Urban’ and ‘Good Urban’ sites should be retained for B use class employment use and proposals for alternative uses will require evidence of lack of demand through an active 12 month marketing period.
50. Where conflict between the development plan and NPPF exists the approach is to assess any adverse impacts and whether they will significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. This is addressed as follows:
51. In respect of the proposals the potential adverse impacts include:
 - the loss of an employment site,
 - the need issue raised by LCC Education along with the potential impact on existing school places within the Borough,
 - potential amenity impacts,
 - the traffic and transport implications and
 - the suitability of the premises.
52. In this case it is considered that a temporary use of the premises is preferable to the retention of an empty building close to Chorley town centre. It is clear that the landlord is keen to ensure that the premises is returned to office accommodation following the school securing permanent accommodation which ensures the retention of office accommodation within a relatively sustainable location in accordance with the aspirations of Policies EM6 and EM9.
53. It is noted that the Education Authority have questioned the need for this school however it is also noted that this query is based on short/ medium term provision and the need for secondary

school places is set to increase. The NPPF advocates proposals which widen choice in education. The Policy statement (planning for schools development) encourages greater diversity and a drive for increased choice. It is considered that the 'need' for school provision is a matter for the Secretary of State outwith of the planning system however the national drive for increased choice can be addressed via land use planning as is the case in respect of this application.

54. Both the amenity and traffic/ transport implications are addressed below. In respect of the suitability of the premises for a school as set out by LCC Education the school will have statutory obligations set out within the school premises regulations which will need to be adhered to in respect of the premises. Additionally the temporary facility will be subject to an OFSTED pre-opening review.
55. The benefits of the proposals include:
 - The proposals will assist in delivering national policy in respect of widening educational choice within the Borough
 - The proposals will ensure a rental income and the re-use of a vacant property until December 2013.
56. The proposal is fully in accordance with National guidance in respect of widening the choice of education in the Borough and as such in this case the temporary nature of the use with provisions to secure the retention of the premises as office accommodation are material considerations which outweigh the local plan policies.
57. The NPPF also enables decision-takers to give weight to relevant policies in emerging plans. Policy 14 of the Core Strategy seeks to enable new schools to be built in locations which are accessible by the communities they serve, using sustainable modes of transport. The sustainable nature of this site ensures that the proposals accord with emerging policies.

Impact on the conservation area

58. The application site is located within the St Laurence's Conservation Area, which is a designated heritage asset as defined in Annex 2 to the NPPF. Section 12 of the NPPF is therefore a material consideration in the determination of this planning application.
59. No external alterations to the appearance of the building are proposed as part of the development. The Council's Conservation Officer has reviewed the application and confirmed that the significance of the designated heritage asset, the conservation area, will be sustained as part of the development. As such the proposals are considered to be acceptable in respect of Section 12 of the NPPF.

Impact on the neighbours

60. The application site is adjacent to the residential terraced row of properties 11-25 Water Street. 11 Water Street is immediately adjacent to the application site boundary and has 2 ground floor windows facing the application site. It is intended that the existing hard standing area to the rear and side of the building, currently used for parking, will be used as an external play area for the school.
61. It is acknowledged that an external play area associated with a school has the potential to impact on the neighbours amenities in terms of noise creation when compared to the existing use as a car park. However this would only be during the school opening hours which the agent has confirmed are 7am – 6pm during weekdays, and on some Saturdays 9am – 1pm. The Council's Neighbourhood Environmental Health Officer has raised no issue from a noise perspective and as such it is not considered that the external play area will adversely impact on the neighbours amenities through noise generation.

Traffic and Transport

62. The Highway Engineer at Lancashire County Council has assessed the proposals and has raised no objection to the proposals. In accordance with the submitted draft North West Regional Parking Standards 2 parking spaces per classroom are required for secondary

school and 1 space per 2 staff and 1 space per 10 students is required for higher education. However it should be noted that there will be up to 60 Year 7 pupils (aged 11 to 12 years) and up to 100 Year 12 students (aged 16-17 years) attending the Academy during its first year and as such parking space for students is not an issue. As such an assessment of the parking requirements is based upon the requirements for secondary education. The premises will have up to 27 members of staff in the school in the first year of operation, including several part-time members of staff. The travel plan submitted with this application estimates that half of this number will travel to school in their own car.

63. The submitted plans detail 15 car parking spaces to the front of the premises including 2 disabled parking spaces. The proposals include 2 classrooms at ground floor level along with a post 16 classroom at ground floor level and 6 classrooms at first floor level. This results in a requirement for 18 car parking spaces (based upon secondary school accommodation) which results in a deficit of three spaces at the site however the Highway Engineer has assessed the proposals and confirmed that the level of staff parking available in front of the building will prove sufficient. Additionally the site is opposite a public car park which can provide car parking provision for these premises.
64. With respect to parking requirements for parents, the Highway Engineer considers that the central town centre location surrounded by busy roads and the inner ring road, walking to school is unlikely to be a favoured option and for the same reason it is equally unlikely to prove popular or practical for most pupils to cycle to school. As such he considers that there will be a high tendency for pupils to be dropped-off and picked-up by car by parents.
65. In respect of the on-street car parking arrangements the Highway Engineer considers that both Water Street and Hollinshead Street will offer a level of parking provision for dropping-off and picking-up. Within the submitted planning statement there is a suggestion that a one-way system could be operated for parent parking however the Engineer does not consider this necessary at this time.
66. The Engineer considers that effectively parent parking will take place over a short period in the morning and afternoon and the level of parking is manageable. As such the highway engineer does not feel that school traffic generation will have any significant adverse impact on the safety and operation of the immediate highway.
67. Following the request from Members at Development Control Committee the Highway Engineer has provided the following additional comments:

“I based my initial comment on the following that:

- the school was for a temporary basis of 1 year whilst alternative accommodation arrangements were being sought
- the school would cater for 60 – year 7 students pupils and 100 post 16 students with 32 students based off site i.e. 128 students in total and up to 27 members of staff.

I have also assumed it will be a mixed school as there is nothing contrary to say otherwise.

The school will provide for 9no classes i.e. 3 no on the ground floor and 6no on the first floor. The second floor will remain vacant.

In this respect it can be argued the school will be of comparable size to say a medium sized primary school.

Based on the information I have adjudged that in terms of the demand for parking and traffic generation, the school is unlikely to have any significant adverse impact on the highway and will therefore be manageable.

Purely in terms of current car parking standards (draft RSS) the school could potentially generate a demand for up to 18 parking spaces for a primary establishment or 28 spaces for a higher education. The school will however be approx. 50/50 i.e. 60 – 11yr olds and 68 – 16plus olds therefore an average approximation would result in 24 initial spaces. The total

would however normally be subject to accessibility reduction of between 15-25% owing to the town centre location with good access to public transport (bus and train), and I would also hasten to add that the spaces are inclusive of both staff and parent parking. The direct walking distance from the bus station via the shopping centre car park and along Fellery St to the site is approx. 500m and bus stops are also located on the ring road. The likelihood of any reduction will result in 20no spaces i.e. 10 for staff and 10 for parent parking. The parking standards are based on achieving and promoting sustainable development therefore they would be difficult to argue against.

In this respect the 15no spaces to the forecourt area will cater for the level of staff parking and the remaining parking spaces for parent parking may be suitably accommodated by on-street parking in the immediate area.

Staff parking

The highway area at the bottom of Water Street on the opposite side of the forecourt is also adopted highway and would therefore remain available for public parking (7no spaces) by commuters including teachers.

The level of parking that currently takes place on the forecourt will inevitably get displaced but there will however be limited scope to park elsewhere nearby owing to existing yellow lines and the presence of Residents and Limited parking bays in the area. As such I do not feel this will lead to any significant pressure for parking/lead to indiscriminate parking.

Parent parking

With respect to parent parking as I have indicated in my initial comments it is reasonable to assume that school parking will be for a short period of time during the morning and afternoon sessions although parent waiting in the afternoon will be more prominent.

I feel the level of on-street car parking available on Water St and Hollinshead St may suitably accommodate the demand for parent parking for drop off/pick up.

I would base this on the fact that Hollinshead St has provision 'Limited Waiting' parking bays which will readily be available for parking spaces throughout the day. The bays are 9am – 5pm with parking limited to 1 hr. A larger number of spaces will be available for am drop off then pm pick up although I am unclear on the level of overnight residential parking that takes place. A record of a recent daytime parking survey is detailed below for information.

Water St will equally offer a level of parking for parent drop off/pick up although albeit via the yellow line. The road at the bottom of the street (opposite the row of terraced houses) is very wide and over 10m and parking on the single yellow line (restricted parking Mon-Sat 8am to 6pm) alongside the municipal pay and display car park will easily be accommodate without impacting on general traffic flows. The highway at the vicinity is also marked with double yellow lines and these will have been put down to provide junction protection therefore it will need to be emphasised to parents via the travel information, but again that should be manageable with school and parent cooperation.

There is a small resident's bay at the start of the single yellow line and providing there are no residential vehicles parked any short stopping by parent vehicles in the bay during am drop off will not be of any nuisance. As the demand for residential parking lessens during the day as people are at work, it is likely these spaces may well be empty during the pm pick up in which case again any parking is not going to be of any significant nuisance. The demand for residential parking during the day will be readily accommodated within the main Residents bay on the other side of the road.

The single yellow line on the southern side of Water St extends all the way up to Bengal St and therefore there is already provision for managing indiscriminate parking alongside the residential houses. In any case the vehicle crossings to the drives are laid such that there is little room for on-street parking without blocking the drives therefore parking outside should not

become a nuisance.

As such the provision for residential parking either via the residents' bays or through the traffic restrictions is already established and measures are in place for their management.

With regards to the level of commuter parking that takes place on Water Street this is mainly on the northern side of the road alongside the takes open green place between the row of terraced houses and Astley St. As there is no footway on this side of the road, vehicles are fully parked and owing to the narrowness of the road there is little scope for parking on the opposite side of the road without interfering with traffic flows. For this reason any indiscriminate parking on the single yellow line is likely to be small, but it is also a distance away from the school to be of discouragement.

As with all schools there will be an element of school parking during am and pm times but it will be for short periods of the day, and the levels of parking will be manageable in view of the above points.

Traffic

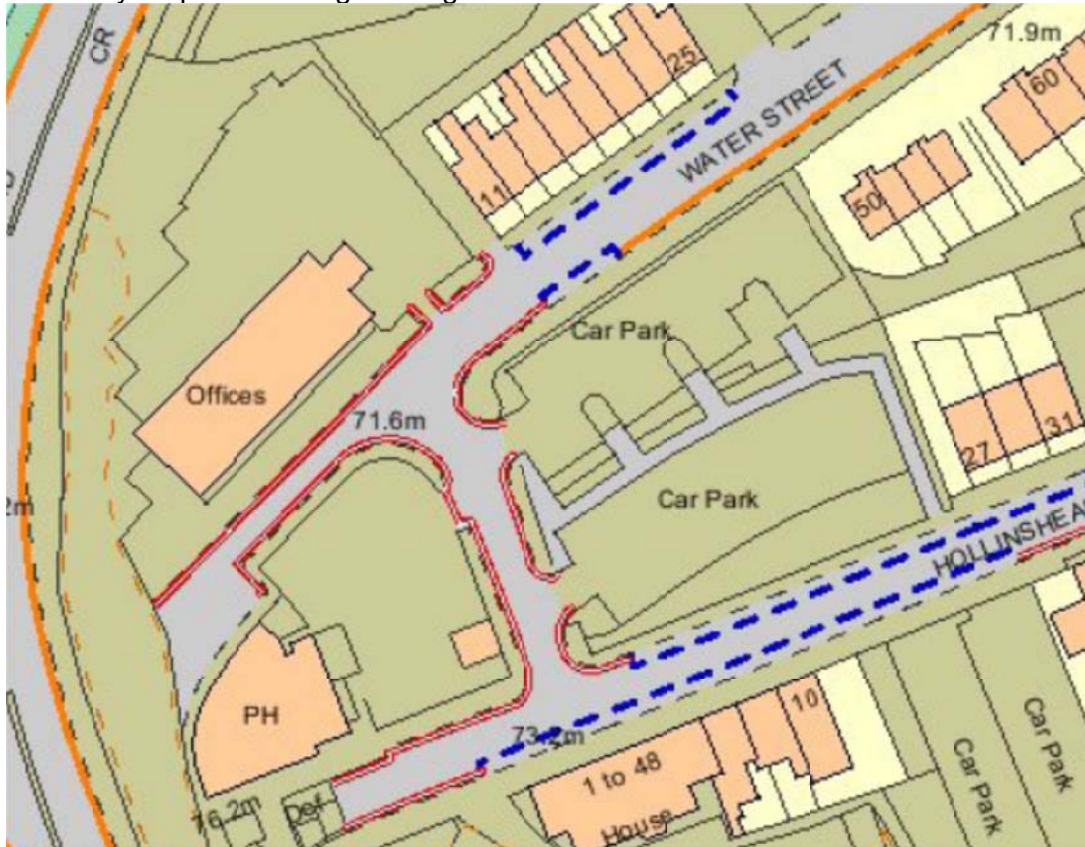
Observed traffic speeds along Water St and Hollinshead St are typically low (25-30mph).

The main access routes into the area will be via the 2 roundabout junctions from the ring road.

Access will also be available via Fellery St however it is a narrow road with residents bays marked out making it difficult for 2-way traffic flow. It is therefore likely to prove unpopular however if it does lead to increased congestion (potential) then this can again be addressed through parent cooperation.

Likewise the am and pm school times will lead to increased traffic movements in the vicinity of Water St and Hollingshead St but again it will be for short periods of the day and the traffic levels will be manageable and should not lead to any significant congestion for the simple reason that school parking is unlikely to become an issue for concern. It is a town centre location and

Parking Survey – Friday May 26th – 11am
Street layout plan showing existing traffic restrictions



Water St, north side:-

Forecourt - 15 cars parked (15no spaces)
Residents bay (no 11-25) – 2no cars parked (6no spaces) &
No 25 to Astley St – 44 cars parked, hand full of spaces still available.

Top of Bengal St cul-de-sac and Water St well parked up with residential and commuter parking.

Water St, south side:-

Highway land opposite forecourt – 7no cars parked (7no spaces)
Residents bay on opposite side - 0 cars parked up (3no spaces)
Single yellow line– 0 cars parked

*** scope for dropping off on yellow line and small bay – 12no spaces.**

Water St car park – 10 cars parked (30no spaces)

Hollinshead St, north side:-

Hollinshead car park – fully parked up (38no spaces)

Limited parking bay (west) – 4 cars parked (9no spaces)
Residents bay (no 27-31) – 0 cars parked (3no spaces) &
Limited parking bay (east) – 13 cars parked (14no spaces)

Hollinshead St, south side:-

Residents-Limited parking bay (west) – 4 cars parked (14no spaces),
Residents-Limited parking bay (mid) – 3 cars parked (3no spaces),
Residents-Limited parking bay (mid) – 3 cars parked (3no spaces) &
Residents bay – 0 cars parked (5no spaces)

** Limited waiting bays – 27 cars parked with 16no spaces available (43no spaces)*

Based on the above survey, there was a sufficient number of spaces available for parent car parking on Hollinshead Street alone.

Therefore, together with the scope for parking on the Water St for dropping off/picking up for a further 12no spaces (albeit on yellow lines).

In my opinion school parking by parents/visitors should not prove problematic.

The school is also proposing to open Saturdays 9:00 – 12:30 for community and school activities. The pressure for commuter parking on Water St will be less on a Saturday and visitors will also have the benefit of using the pay and display car park therefore I do not perceive any traffic problems. It may also be that the main car park which will form the school yard may be opened for parking anyway.

Presently the school will cater for 128 students and therefore realistically it will be of a size similar to medium sized primary school.

If parking and traffic are deemed acceptable and manageable from day one then providing there is no material change I feel there should be little reason why they should not continue to be acceptable for a further period of time. As such I would have no strong reservations against permission being permitted for the school to continue with a temporary use of operation for a second year of operation.

I would also assume that if the school was at any point apply for a permanent stay then it would have to do so under a new application in which case the application would be assessed on the basis of traffic conditions prevalent at the time.

With regards to any potential increase in intake I would again assume this would need to go through proper channel in the form of a planning application.

If not then, I feel the site realistically has limited potential for expansion anyway in terms of both size and the quality of the facilities. Presently the 2nd floor is vacant therefore if the school was to occupy the second floor, you would be in all probability be looking at another 60-70 places based on the 6no class rooms on the first floor. Whilst this would obviously have some material highway impact, but whether it would be significant is doubtful based on my above assessment.

For the same reason I feel any increase in staff intake will also have only marginal impact on parking arrangements.

However along with a bigger intake comes a bigger demand for welfare facilities and quality of teaching space and as such I feel the school will have limited opportunity for expansion.

In any circumstance, I would hope the school would make a determined effort to plan to try and mitigate all highway impact through the development of a comprehensive school travel which I understand all schools have to provide. Any application for permanent stay would likely to be subject to a request for s106 funding from Lancs County council for travel planning.

The school will also have the benefit of the public 'pay and display' car park which I think is £3.50 for the day. However, with schools having a very early start time staff will be minded to park on the street."

Overall Conclusion

68. It is acknowledged that the proposals do not fully comply with Local Plan Policies EM6 and EM9 in respect of the use of the premises for a use other than for financial and professional services. However the NPPF confirms that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the proposals will secure the temporary re-use of an empty building in a

relatively sustainable location.

69. The National Planning Policy Framework states that *the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*
- *give great weight to the need to create, expand or alter schools;*
 - *work with schools promoters to identify and resolve key planning issues before applications are submitted.*
70. The Policy statement 'planning for schools development' makes it clear that local authorities should make full use of their planning powers to support state-funded schools applications and that a refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority. The statement goes on to confirm that any appeal against any refusals of planning permission for state-funded schools will be treated as priority by the Secretary of State and the Secretary of State may choose to recover, for his own determination, appeals against the refusal of planning permission.
71. It is considered that the proposals will secure educational choice within the Borough, as Free Schools are independent of the Local Authority Education system, in accordance with the Government's clear direction of travel as set out within the NPPF and the planning for schools development policy statement published by the Government. This policy statement confirms that *creating free schools remains one of the Government's flagship policies, enabling parents, teachers, charities and faith organisations to use their new freedoms to establish state-funded schools and make a real difference in their communities.*
72. In this case it is considered that the adverse impacts associated with the proposals, set out above, do not significantly or demonstrably outweigh either the NPPF or the National Planning Policy relating to schools. The temporary nature of the use can ensure the reversion to an office use in the future and as such the application is recommended for approval.

Planning History

74/00010/FUL: 8 storey office block. Withdrawn

77/00587/FUL: Change of use of Parish Institute to Offices. Approved July 1978

78/00441/OUT: Outline application for 39 flats and 1 house plus communal facilities (Category 2 sheltered housing). Approved July 1978

03/00071/FUL: Erection of detached garage. Approved March 2003

05/00434/CON: Application for Conservation Area Consent for the demolition of existing building. Approved July 2005

Recommendation: Permit Full Planning Permission Conditions

- 1. The use of the ground and first floor of the building by Chorley Career and Sixth Form Academy (Use Class D1) hereby permitted shall cease by 31st December 2013 or when a permanent facility for Chorley Career and Sixth Form Academy is established (whichever is the shortest period of time). Thereafter the building shall be reinstated to office accommodation. Reason: *The permission was granted on a temporary basis having regard to the special circumstances advanced in support of the application, however the use would be inappropriate to the locality on a permanent basis and in accordance with Policy Nos. EM6 of the Adopted Chorley Borough Local Plan Review.***
- 2. The approved plans are:**

Plan Ref.	Received On:	Title:
046 S 01	26 March 2012	Site Location Plan

046 S 02	26 March 2012	Existing Site Plan
046 S 04	26 March 2012	Proposed Site Plan
046 GA 00	26 March 2012	Proposed Ground Plan
046 GA 01	11 May 2012	Proposed Level 1 Plan
046 GA 02	26 March 2012	Proposed Level 2 Plan
046 EX 00	26 March 2012	Existing Ground Plan
046 EX 01	26 March 2012	Existing Level 1 Plan
046 EX 02	26 March 2012	Existing Level 2 Plan

Reason: To define the permission and in the interests of the proper development of the site.

3. The use hereby permitted shall be restricted to the hours between 7am and 6pm on weekdays, between 9am and 1pm on Saturdays and there shall be no operation on Sundays or Bank Holidays. ***Reason: To safeguard the amenities of local residents and in accordance with Policy Nos. EP20 of the Adopted Chorley Borough Local Plan Review.***